

the optical switch core that routes each super packet through the optical switch fabric to the super packet's particular destination egress edge unit in a non-blocking manner (i.e., without contention or data loss through the optical switch fabric). This routing is managed by a core controller that monitors flow information at each ingress edge unit to control the super packet generation and transmission to the optical switch fabric and schedules each super packet to exit the optical switch fabric so as to avoid contention among the plurality of super packets in the transmission between the optical switch fabric and the egress edge units. The egress edge units receive the super packets, de-aggregate the super packets into the original optical data packets, and transmit the optical data packets to the data lines.

The Examiner has urged, among other things that column 21, lines 20-25, column 22, lines 32-35; and FIG. 13 disclose:

...[S]upper packets being distributed from the packet classification Quene [sic](114) to the edge unit destination controller (116) through paths (192). [T]he prioritization mechanism is being employed while building the super packets. This shows that each of the sixteen super packets that is fetched from the memory device (114) has priorities. One can also conclude that the first data that is sent from the memory device (114) to the edge destination controller (116) through the first path (192) has the top priority...

Applicants respectfully disagree. Regarding "priority," column 22, lines 28-34 disclose:

It should be noted that super packets can contain both TDM and PKT data within a single super packet. In one embodiment, TDM data will receive priority over PKT data when building super packets, however, it should be understood that any prioritization mechanism can be employed when building super packets.

Thus, Miles et al. discloses no more than that priority may be based on a preference of one type of data over another (e.g., TDM data over PKT data, where PKT data corresponds to the wavelength division multiplexed data of the present invention).

This is in contrast to the present invention in at least the following two (2) ways:

1. The present invention deals only with (one) type of data, which is wavelength division multiplexed data; and
2. The "priority" of the present invention is concerned with packet path selection, where top priority is given to a semifixed initial path, as recited in independent claims 1-3 and 11-13. This is not disclosed in Miles et al., in which the "priority" disclosed therein is concerned only with types of data, rather than path selection.

More specifically, the priority in Miles et al. means that in the case of building a super packet (column 7, lines 37-40), which is an aggregation of optical data packets, TDM data (i.e., non-packet data such as voice data, video data, or other constant bandwidth data; see column 20, lines 18-20) has priority over PKT (packet) data (column 22, lines 30-32). In other words, Miles et al. sends a super packet including data which should be transferred in real time (the non-packet data) with priority over data which is not required to be transferred in real time (the packet data). The portions specifically pointed out by the Examiner, as well as the remaining portions of Miles et al., fail to disclose or suggest the technical idea of distinguishing a semifixed initial path from dynamically allocated additional paths, let alone the technical idea of allocating top priority to the semifixed initial path and the technical idea of distributing packets to the initial path and to the dynamically allocated additional paths.

Duser et al. discloses an optical network in which OBS (Optical Burst Switching) is combined with dynamic wavelength allocation to provide a scalable optical architecture.

Duser et al. merely mentions dynamic allocation of wavelengths. The portions specifically pointed out by the Examiner as well as the remaining portions of Duser et al. neither disclose nor suggest that a top priority is given to a semifixed initial path, as claimed in the instant application.

Thus, the 35 U.S.C. §103(a) rejection should be reconsidered and withdrawn.

In view of the above, each of the claims in this application is believed to be in immediate condition for allowance and a Notice of Allowance is earnestly solicited.

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